

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re

CUSTOMS AND TAX ADMINISTRATION OF
THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND
SCHEME LITIGATION

This document relates to: 1:19-cv-01783.

MASTER DOCKET

18-md-2865 (LAK)

STIPULATION AND [PROPOSED] ORDER OF PARTIAL VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(2)

WHEREAS Plaintiff Skatteforvaltningen (“SKAT”) has asserted claims against Defendant Michael Ben-Jacob (“Ben-Jacob”) in the action titled *SKAT v. Bareroot Capital Investments LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01783;

WHEREAS SKAT and Ben-Jacob have now entered into a settlement agreement resolving those claims;

WHEREAS SKAT wishes to voluntarily dismiss with prejudice Ben-Jacob from *SKAT v. Bareroot Capital Investments LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01783, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with each party to bear its own costs;

WHEREAS the dismissal is not intended to affect any of the claims asserted against Defendants Bareroot Capital Investments LLC Roth 401(K) Plan, David Zelman, Richard Markowitz, Robert Klugman, RAK Investment Trust, or Routt Capital Trust in the action captioned *SKAT v. Bareroot Capital Investments LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01783, or any other action;

IT is therefore STIPULATED AND AGREED that, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Ben-Jacob is dismissed with prejudice from the action *SKAT v.*

Bareroot Capital Investments LLC Roth 401(K) Plan et al., No. 1:19-cv-01783, with each party to bear its own costs; and

IT is further STIPULATED AND AGREED that SKAT's claims against Defendants Bareroot Capital Investments LLC Roth 401(K) Plan, David Zelman, Richard Markowitz, Robert Klugman, RAK Investment Trust, and Routt Capital Trust remain active in the action captioned *SKAT v. Bareroot Capital Investments LLC Roth 401(K) Plan et al.*, No. 1:19-cv-01783.

Dated: New York, New York
December 15, 2024

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Counsel for Defendant Michael Ben-Jacob

SO ORDERED:

Lewis A. Kaplan
United States District Judge